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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,313	03/18/2004	Dag A. Kittlaus	CS24482RA	5764
20280	7590	03/18/2010		
MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER STRONCZER, RYAN S	
			ART UNIT 2425	PAPER NUMBER
			NOTIFICATION DATE 03/18/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ADB035@Motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,313	<b>Applicant(s)</b> KITTLAUS ET AL.	
	<b>Examiner</b> Ryan Stronczer	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of species 1 in the reply filed on 11 December 2009 is acknowledged.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sundstrom (Pub. No.: US 2003/0050049).**

As to claim 1, Sundstrom teaches the recited method comprising, “[1] **receiving a data stream of media content from a remote device on a periodic basis** (*‘according to the present invention, messaging may be periodically provided to the mobile terminal [from mobile information server 40, via network 35]’ [0016]*); [2] **storing the data stream in a content cache and [3] retrieving the data stream from the content cache, a portion at a time, and displaying the portion on a display** (*‘[t]he local set of information items 65 stored in subscriber terminal 20 within a memory 110 is updated with new information items, and the stored information items are cyclically presented to the user by the MIS functionality 100’ [0019]*).”

As to claim 9, the rejection of claim 1 is incorporated herein. Fig. 1 of Sundstrom teaches that the user's mobile terminal 20 comprises a **“wireless transceiver configured to receive a data stream of media content from a remote device on a periodic basis (RF interface 26), a memory portion configured to store the data stream (memory 110), and a display configured to display the data stream a portion at a time (...various information items 65 are presented upon a display to the user...The display comprises part of the user interface 24' [0020]).”**

As to claims 2 and 10, it is inherent in the device of Sundstrom that the mobile device would have to be turned on in order to receive the information items from the server.

As to claims 3 and 11, which recite, “continuing to receive the data stream of media content from the remote device on a periodic basis until the actuation of an input device is detected,” Fig. 6 of Sundstrom teaches:

[t]he received information items are identified at step 160 by the subscriber mobile terminal and sequentially displayed to the user at step 170. Inquiry step 175 monitors for a user input with respect to a displayed item and if none is received, the next information item is retrieved at step 180 and presented to the user at step 170. If an input is detected at step 175, the body of text related to the displayed information item is displayed at step 180. [0022]

As to claims 4 and 12, Fig. 4 of Sundstrom teaches that the device displays each portion of the received content until the users presses predetermined key 22 on user interface 24 [0021].

As to claims 5 and 13, the recited **“detecting actuation of an input device after displaying the portion on the display”** is taught by Fig. 4 and [0021] of Sundstrom wherein the device displays an information item until the user presses key 22.

As to claims 6 and 14, the recited **“providing at least one of detailed content and functionality associated with the portion of the data stream displayed on the display in response to detecting the actuation of the input device”** (emphasis added) is taught by Fig. 4 and [0021] of Sundstrom wherein pressing predetermined key 22 causes detailed information about a specific item to be displayed (e.g., more information about the headline "NHL: Forsberg out" is displayed).

As to claims 7, the recited **“retrieving the data stream from the content cache, a portion at a time, and displaying the portion on a display after the at least one of the detailed content and the functionality associated with the portion displayed on the display is terminated”** is taught by Fig. 6 and [0022] of Sundstrom wherein after displaying said detailed content, *“[i]nquiry step 190 monitors for additional input actuating the link associated with the displayed information. If none is detected, control passes back to step 180, and a next information item category and headline are presented to the user at step 170”* [0022].

As to claims 8 and 16, the recited **“providing a different channel of media content in response to detecting the actuation of the input device”** is taught by Fig. 4-6 and para. 0021-22 of Sundstrom, which teaches that after displaying the detailed content to the user, *“[i]nquiry step 190 monitors for additional input actuating the link associated with the displayed information...If an input to actuate the link is received step*

Art Unit: 2425

*190, the browser is opened at step 195 and a WAP session initiated to the link associated with the information item” [0022]. Initiating a WAP session displaying a browser link is equivalent to providing a different channel, as recited.*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sundstrom as applied to claim 14.**

As to claim 15 recites that **“the wireless transceiver continues to receive the data stream of media content from the remote device on the periodic basis and the display continues to display the data stream a portion at a time in response to determining that the at least one of the detailed content and the functionality associated with the portion displayed on the display is terminated,”** Fig. 6 and [0022] of Sundstrom teach that after displaying said detailed content, *“[i]nquiry step 190 monitors for additional input actuating the link associated with the displayed information. If none is detected, control passes back to step 180, and a next information item category and headline are presented to the user at step 170”* [0022]. As to the limitation that the wireless transceiver continues to receive the data stream of media content from the remote device on the periodic basis, Sundstrom teaches that the mobile terminal

Art Unit: 2425

receives updated information items on a periodic basis. It would have been obvious to one of ordinary skill as a matter of both general knowledge in the art at the time of the invention and common sense (see MPEP 2141) that the device would continue to receive said updated information items.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2425

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/  
Examiner, Art Unit 2425

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425